

APPEAL NO. 022195  
FILED OCTOBER 9, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on July 30, 2002. The hearing officer determined that the appellant (claimant) did not sustain a compensable repetitive trauma injury and did not have disability. The claimant appeals, arguing that there is undisputed medical evidence of injury and disability. The respondent (carrier) responds by pointing out that the hearing officer is the sole judge of the credibility of the evidence.

DECISION

We affirm.

The hearing officer is the sole judge of the relevance, materiality, weight, and credibility of the evidence presented at the hearing. Section 410.165(a). The decision should not be set aside because different inferences and conclusions may be drawn upon review, even when the record contains evidence that would lend itself to different inferences. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). While there is certainly evidence supporting the claimant's contentions, including recognition for performing high keystroke numbers, there was countervailing evidence showing that assertion of a claim was coincident with personnel actions undertaken against the claimant. Further, there was evidence indicating that number of keystrokes tabulated by the employer's data system could be inflated when the system counted as entered certain numbers that were in fact paged past, and that as a consequence the employer abandoned the use of system keystroke numbers as an evaluative tool.

The decision of the hearing officer will be set aside only if the evidence supporting the hearing officer's determination is so weak or against the overwhelming weight of the evidence as to be clearly wrong or manifestly unjust. Atlantic Mutual Insurance Company v. Middleman, 661 S.W.2d 182 (Tex. App.-San Antonio 1983, writ *ref'd n.r.e.*). We cannot agree that this was the situation here, and affirm the decision and order.

The true corporate name of the insurance carrier is **AMERICAN PROTECTION INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS  
AUSTIN, TEXAS 78701.**

---

Susan M. Kelley  
Appeals Judge

CONCUR:

---

Elaine M. Chaney  
Appeals Judge

---

Veronica Lopez  
Appeals Judge